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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,166	02/09/2006	Giovanni Mazzarolo	SAIC 22.356(100788-00111)	7809
26304 7590 01/20/2010 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585				
EXAMINER PATEL, TAJASH D				
ART UNIT		PAPER NUMBER		
3765				
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01/20/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/568,166

Applicant(s)

MAZZAROLO, GIOVANNI

Examiner

Tejash D. Patel

Art Unit

3765

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-37 and 41-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-37 and 41-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date 1/13/10
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 27-37 and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alaloof (US 6,125,478) in view of Gillen et al (US 6,966,070). Alaloof discloses a motorcycle jacket including a plurality of airbags (110,130) to protect against fall and impact that is inflated by electronic means in response the detection risk and danger emitted by sensors, col. 10, lines 41-49. A first of the airbags (110) extends on the front above the chest and a second of the airbags extends on the rear as shown in figure 2G. Furthermore, the inflating device includes pyrotechnics, col. 9, line 1- col. 10, line 65. Sensors are secure to a vehicle such that upon a fall electrical signal are sent to inflate the airbags as shown in figures 6 (A-C). The jacket has an front opening through which the airbag is deployed between flaps (542,544) as shown in figure 11. Additionally, support means includes bands/straps (44) that are positioned about the chest having the electronic means attached thereto as shown in figure 4A. A bottom portion of the device covers a bottom part of the body as shown in figure 4B. Also, the jacket includes sensors (538) therein, col. 11, lines 10-25. However, Alaloof does not show the front opening being offset.

Gillen et al. (hereinafter Gillen) discloses a garment having a front opening (30) defined as a curved line that is offset toward a sleeve with a zip fastener as shown in figure 2.

It would have been obvious to one skilled in the art to provide the garment of Alaloof with an offset front opening having a curved line toward the sleeve as taught by Gillen so that the deployed airbag can substantially protect the chest area of the body or as required for a particular application thereof. Furthermore, it is obvious that the curved front offset opening of Alaloof is curved as taught by Gillen allows ease of donning the garment. In addition, sensors (538) within the garment of Alaloof when viewed with Gillen can be deployed to protect the user from impact by deployment of the airbag, col. 11, lines 11-26.

Response to Amendment

3. The arguments and amendment filed on September 18, 2009 have been considered. In view of such, the amendment has necessitated a newly discovered prior art of Gillen '070 to be applied that discloses a curved line offset towards a sleeve, figure 2 and this office action is made Final and the arguments are moot.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (571) 272-4993. The examiner's supervisor Mr. Gary Welch can be reached at (571) 272-4996. The fax phone number for this group is (571) 273-8300.

January 15, 2010

/Tejash Patel/

Primary Examiner
AU 3765